



ATTORNEY'S DOCKET NO. C1040/7010 (HCL/MAT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Heather L. Davis and Michael J. McCluskie  
Serial No.: 09/768,012  
Filed: January 22, 2001  
For: IMMUNOSTIMULATORY NUCLEIC ACIDS FOR INDUCING A TH2  
IMMUNE RESPONSE  
Examiner: Not Yet Assigned  
Art Unit: 1632

RECEIVED  
JUN 28 2001  
TECH CENTER 1600/2900

**CERTIFICATE OF MAILING UNDER 37 CFR §1.8(a)**

I hereby certify that this document is being placed in the United States mail with first-class postage attached, addressed to BOX MISSING PARTS, Commissioner for Patents, Washington, D.C. 20231 on the 21 day of June, 2001.

Maria A. Trevisan P-48,207

BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith are the following documents:

- ☒ Copy of Notice of Incomplete Reply
- ☒ Response to the Notice of Incomplete Reply
- ☒ Copy of Previously Filed Drawings and Corresponding Documentation
- ☒ Postcard

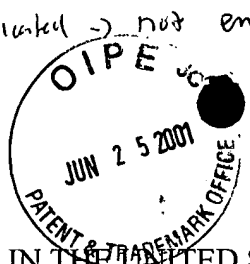
If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

Please charge any deficiency in the fee or credit any overpayment to Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

Maria A. Trevisan P-48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Docket No. C1040/7010  
June 21, 2001  
X07/07/01



ATTORNEY'S DOCKET NO. C1040/7010 (HCL/MAT)

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Maria A. Trevisan P-48,207

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BOX MISSING PARTS  
COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

**RESPONSE TO THE NOTICE OF INCOMPLETE REPLY**

The Notice of Incomplete Reply erroneously states that Applicants failed to file substitute drawings in response to the Notice to file Missing Parts.

Applicant's representative points out that the drawings were submitted on May 7, 2001 and were received by the Patent Office on May 10, 2001. The receipt by the United States Patent and Trademark Office of the drawings and associated documentation is evidenced by the enclosed copy of the return postcard stamped "OIPE PATENT & TRADEMARK OFFICE JC22" and dated "MAY 10, 2001."

Applicant is enclosing herewith copies of the following:

- Formal Drawings (14 pages) submitted to the Patent Office on May 7, 2001;

- Associated documentation which was submitted along with the drawings on May 7, 2001, including the Supplemental Response, the letter of the Official Draftsperson and the Notice to File Missing Parts;
- Return Receipt postcard filed May 7, 2001, stamped as received by the Patent Office May 10, 2001; and
- Notice of Incomplete Reply mailed June 11, 2001.

Applicants responded to the Notice to File Missing Parts within the first 2 months. Accordingly, no extension fee was paid nor is one now considered due.

Respectfully Submitted,



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Maria A. Trevisan, P-48,207  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
(617)720-3500

Docket No. C1040/7010  
June 21, 2001  
X07/07/01

ATTORNE DOCKET NO. C1040/7010  
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Examiner: Not Yet Assigned  
Group No.: 1632

*Stamp: JUN 25 2001 PATENT & TRADEMARK OFFICE*

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Box Missing Parts, the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the 7 day of May, 2001.

*Maryanne Trevisan*  
Maryanne Trevisan

Commissioner for Patents  
Washington, D.C. 20231  
**BOX MISSING PARTS**

**SUPPLEMENTAL RESPONSE TO THE NOTICE TO FILE MISSING PARTS**

Sir:

This is a supplemental response to the Notice to File Missing Parts of application mailed from the United States Patent and Trademark Office on March 7, 2001.

Attached are the Formal Drawings for the above-identified application as requested. On April 19, 2001 Applicants submitted the executed Declaration, a Response to Missing Parts, a Preliminary Amendment and the required fees.

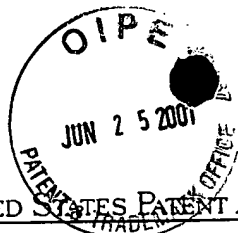
Accordingly, Applicants believe that all requirements for the Notice to File Missing Parts have been met.

If any other information is needed, please contact the undersigned attorney by phone (617-720-3500, ext. 259) to expedite the further prosecution of this patent application. No fee is required. If any fee is determined to be due by the Examiner, the Examiner is authorized to charged the appropriate fee to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,

*Helen C. Lockhart*  
Helen C. Lockhart (Reg. No. 39,248)  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, Massachusetts 02210

Attorney's Docket No.: C1040/7010 (HCL/MAT)  
Tel.: 617-720-3500  
Date: May 7, 2001  
X05/07/01



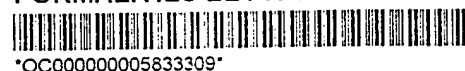
UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/768,012	01/22/2001	Heather L. Davis	C1040/7010 HCL/MAT)

CONFIRMATION NO. 9273

## FORMALITIES LETTER



Helen C. Lockhart  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210

DOCKETED MAR 20 2001	File Folder	Initials
	ECB	
	Docket Entry	
	Docket Cross	
	Order Copies	
	Annulities	
	Confirmation	

09/07/01  
(2)

Date Mailed: 03/07/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$3114.
  - \$2394 for 133 total claims over 20.
  - \$720 for 9 independent claims over 3.
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 3954.

The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

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*A copy of this notice MUST be returned with the reply.*

ALC-INT-CES-RE-1163  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

ATTORNEY'S DOCKET NO. C1040/7010  
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TH2 IMMUNE RESPONSE  
Examiner: Not Yet Assigned  
Group No.: 1632

*Stamp: RECEIVED JUN 25 2001 PATENT & TRADEMARK OFFICE*

**CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)**

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Box Missing Parts, the Commissioner of Patents and Trademarks, Washington, D.C. 20231, on the 7 day of May, 2001.

*Maryanne Trevisan*  
Maryanne Trevisan

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231  
Box Missing Parts

Sir:

**LETTER TO OFFICIAL DRAFTSMAN**

Enclosed are fourteen (14) sheets of formal drawings containing (Figs 1A-1B, 2A-2B, 3A-3B, 4A-4B, 5, 6A-6C, 7A-7B, 8A-8C, 9A-9B, 10A-10B, 11A-11C, 12, 13A-13C and 14A-14C). Applicants respectfully request that the Draftsman consider the drawings.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No. 23/2825.

Respectfully submitted,

By: *Helen C. Lockhart*  
Helen C. Lockhart (Reg. No. 39,248)  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210  
(617) 720-3500

Docket No.: C1040/7010  
Date: May 7, 2001  
x05/07/01

FIVE  
JUN 28 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/29

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/768,012	01/22/2001	Michael J. McCluskie	C1040/7010 HCL/MAT)

CONFIRMATION NO. 9273

## FORMALITIES LETTER



\*OC000000006166443\*

Helen C. Lockhart  
c/o Wolf, Greenfield & Sacks, P.C.  
Federal Reserve Plaza  
600 Atlantic Avenue  
Boston, MA 02210-2211

Date Mailed: 06/11/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on to the Notice mailed and it has been entered into the nonprovisional application. The reply, however, doesnot include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may,however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a)accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. ( 5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

*A copy of this notice **MUST** be returned with the reply.*

  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE





Serial No. 09/768,012 File No. C1040/7010 By: HCC/MAT/nb  
Title: Immunostimulation Nucleic Acids for Inducing  
Application of David & Meluskie WGS Date: 5/7/01

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

- |  |  |
|--|--|
| <input type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)                                     | <input type="checkbox"/> Provisional Application Cover Sheet             |
| <input type="checkbox"/> Express Mail Label No. _____  | <input type="checkbox"/> Multiple Dependent Claim Fee Sheet              |
| <input type="checkbox"/> Patent Application  | <input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449            |
| <input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional                      | <input type="checkbox"/> References Cited                                |
| Incl. _____ pages, ( _____ pgs) Specification,   | <input type="checkbox"/> Priority Document(s) # _____                    |
| ( _____ pgs) Abstract, ( _____ pgs) Claims ( _____ # claims)                                       | <input checked="" type="checkbox"/> Copy of Notice to File Missing Parts |
| <input type="checkbox"/> Design Patent Application   | <input checked="" type="checkbox"/> Amendment/Response                   |
| Declaration(s) _____   | <input checked="" type="checkbox"/> Petition for Ext. of Time (x2)       |
| Drawings <input checked="" type="checkbox"/> Sheet(s) (FIGS. <u>1A-1B 2A-2B 3A-3B</u> )            | <input checked="" type="checkbox"/> Issue Fee Transmittal                |
| <input checked="" type="checkbox"/> Formal <input type="checkbox"/> Informal <u>4A-4B 5, 6A-6C</u> | <input checked="" type="checkbox"/> Letter to Official Draftsperson      |
| Utility Patent Application Transmittal <u>7A-7B 8A-8C</u>  | <input checked="" type="checkbox"/> Notice of Appeal                     |
| Fee calculation sheet (x2) <u>9A-9B 10A-10B 11A-11C 12, 13A-13C</u>                                | <input checked="" type="checkbox"/> Brief (x3)                           |
| CPA Transmittal <u>14A-14C 15A-15C</u>   | <input checked="" type="checkbox"/> Check for \$ _____ Check # _____     |
| Verified Statement claiming Small entity status  | <input checked="" type="checkbox"/> Transmittal Letter (x2)              |
| Assignment and Cover Sheet   | <input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a) |

☐ Other \_\_\_\_\_

DATE MAILED May 7, 2001

